

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

<p>DEAN OBEIDALLAH,</p> <p>Plaintiff,</p> <p>v.</p> <p>ANDREW B. ANGLIN, DBA <i>Daily Stormer</i>,</p> <p>and</p> <p>MOONBASE HOLDINGS, LLC, DBA Andrew Anglin,</p> <p>and</p> <p>JOHN DOES NUMBERS 1–10, Individuals who also assisted in the publication or representation of false statements regarding Mr. Obeidallah,</p> <p>Defendants.</p>	<p>CASE NO. 2:17-CV-00720-EAS-EPD</p> <p>Chief Judge Edmund A. Sargus</p> <p>Magistrate Judge Elizabeth Preston Deavers</p>
<p>PLAINTIFF’S MOTION TO SEAL</p>	

PLAINTIFF'S MOTION TO SEAL

Pursuant to S.D. Ohio Civ. R. 5.2.1, Plaintiff Dean Obeidallah respectfully moves to seal Exhibits A and B to Mr. Obeidallah's Supplement to Plaintiff's Motion for Default Judgment Against Defendants Andrew B. Anglin and Moonbase Holdings, LLC, as well as the affidavit of the financial institution authenticating the same, filed concurrently herewith. Attached hereto is a memorandum in support which establishes good cause for granting the motion.

Dated: February 22, 2019

Respectfully submitted,

Abid R. Qureshi (D.C. Bar No. 459227)
Tyler S. Williams (D.C. Bar No. 888242297)
LATHAM & WATKINS LLP
555 Eleventh St., NW, Suite 1000
Washington, D.C. 20004-1304
Phone: 202.637.2200 Fx: 202.637.2201
abid.qureshi@lw.com
tyler.williams@lw.com

Sirine Shebaya (D.C. Bar No. 1019748)
Juvaria Khan (N.Y. Bar No. 5027461)
MUSLIM ADVOCATES
P.O. Box 66408
Washington, D.C. 20035
Phone: 202.897.1894 Fx: 202.508.1007
sirine@muslimadvocates.org
juvaria@muslimadvocates.org

Admitted pro hac vice

/s/ Subodh Chandra (trial counsel)
Subodh Chandra (OH Bar No. 0069233)
Donald Screen (OH Bar No. 0044070)
THE CHANDRA LAW FIRM LLC
1265 W. 6th St., Suite 400
Cleveland, OH 44113-1326
Phone: 216.578.1700 Fx: 216.578.1800
Subodh.Chandra@ChandraLaw.com
Donald.Screen@ChandraLaw.com

Attorneys for Plaintiff Dean Obeidallah

MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO SEAL

Plaintiff Dean Obeidallah has moved for an order permitting certain exhibits to be filed under seal which contain the sensitive personal information of third parties. Namely: Exhibit A, images of numerous checks deposited into one of Defendant Anglin's bank accounts; and Exhibit B, monthly statements associated with one of Defendant Anglin's bank accounts, showing deposits exceeding \$198,000. A sealed affidavit authenticating the check images and monthly statements is attached to this filing.

Under Fed. R. Civ. P. 26(c), this Court "may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" In the context of sealing documents, the party seeking to seal documents has the burden of overcoming the "strong presumption in favor of openness." *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016). The moving party must give "compelling reasons" and explain how disclosure would "work a clearly defined and serious injury." *Id.* Additionally, the seal must be "narrowly tailored" to serve those compelling reasons. *Id.*

Among the compelling reasons that justify sealing courts records are protecting "the privacy rights of participants or third parties." *Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593 (6th Cir. 2016); *see also Shane Grp., Inc.*, 825 F.3d at 308 (explaining that the "privacy interests of innocent third parties should weigh heavily" in sealing documents). Additionally, courts may seal documents based on the compelling need to protect the physical safety of third parties. *See In re S. Ohio Corr. Facility*, 24 F. App'x 520, 531 (6th Cir. 2001) (permitting the district court to consider the extent to which unsealing documents would jeopardize the safety of third parties).

Mr. Obeidallah requests that Exhibits A and B be maintained under seal. Exhibit A is comprised of numerous personal checks containing the names, home addresses, financial institutions, and checking account numbers of third parties who have financially supported Defendant Anglin, as

well as the amounts of their donations. Disclosure of this information would reveal the identities of third-party bank customers, which the law affords special protection. *In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 477 (6th Cir. 1983) (affirming a district court's decision to permit non-disclosure of the personal information of third-party bank customers). In addition, disclosure of this information would place the physical safety of third parties at heightened risk, due to the incendiary nature of the subject matter of this Action.

Exhibit B is comprised of numerous monthly balance statements for one of Defendant Anglin's bank accounts. These pages include the name of a third-party financial institution that Plaintiff has not publicly named (ECF No. 47 at 7, 12), an address associated with Defendants Anglin and Moonbase, an account number account maintained by Defendant Anglin, balances, deposits, withdrawals, and the descriptions of several deposits and withdrawals, including the apparent names of various merchants at which Defendants conducted business. Disclosure of this information would reveal the identities of a third-party financial institution and several third-party merchants with likely no connection to the subject matter of this litigation, at a cost of placing the safety or security of these third parties at heightened risk.

For the foregoing reasons, requests that Exhibits A and B, as well as the affidavit of the financial institution authenticating the same, be maintained under seal. Full and complete copies of Exhibits A and B and the accompanying affidavit have been provided to the Court for *in camera* review. A proposed Order is attached.

Dated: February 22, 2019

Respectfully submitted,

Abid R. Qureshi (D.C. Bar No. 459227)
Tyler S. Williams (D.C. Bar No. 888242297)
LATHAM & WATKINS LLP
555 Eleventh St., NW, Suite 1000
Washington, D.C. 20004-1304
Phone: 202.637.2200 Fx: 202.637.2201
abid.qureshi@lw.com
tyler.williams@lw.com

Sirine Shebaya (D.C. Bar No. 1019748)
Juvaria Khan (N.Y. Bar No. 5027461)
MUSLIM ADVOCATES
P.O. Box 66408
Washington, D.C. 20035
Phone: 202.897.1894 Fx: 202.508.1007
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Subodh Chandra (OH Bar No. 0069233)
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THE CHANDRA LAW FIRM LLC
1265 W. 6th St., Suite 400
Cleveland, OH 44113-1326
Phone: 216.578.1700 Fx: 216.578.1800
Subodh.Chandra@ChandraLaw.com
Donald.Screen@ChandraLaw.com

Attorneys for Plaintiff Dean Obeidallah